

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Warren Brumel, Esq. WB3626  
Attorney for Debtor(s)  
PO Box 181  
Keyport, NJ 07735  
732-264-3400  
wbrumel@kcyportlaw.com

In Re:

MARA L. SCALZO  
DOMINIC S. SCALZO

Case No.: 17-28488

Judge: MBK

Chapter: 13

### CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION

The debtor in this case opposes the following **(choose one)**:

1. ☒ Motion for Relief from the Automatic Stay filed by Specialized Loan Servicing,  
creditor,

A hearing has been scheduled for 01/08/2020, at 9:00.

- ☐ Motion to Dismiss filed by the Chapter 13 Trustee.

A hearing has been scheduled for \_\_\_\_\_, at \_\_\_\_\_.

- ☐ Certification of Default filed by \_\_\_\_\_,

I am requesting a hearing be scheduled on this matter.

2. I oppose the above matter for the following reasons **(choose one)**:

- ☐ Payments have been made in the amount of \$ \_\_\_\_\_, but have not  
been accounted for. Documentation in support is attached.

☐ Payments have not been made for the following reasons and debtor proposes repayment as follows (**explain your answer**):

☒ **Other (explain your answer):**

The amounts shown as the monthly payments due in movant's payment history are incorrect. See attached typical billing statement indicating the initial payment was \$1,573.43, not \$1,995.55 as alleged. Payments were made monthly as per billings received. No Notice of Mortgage Payment Change was received by us until July 2019, whereupon we adjusted our payment accordingly.

3. This certification is being made in an effort to resolve the issues raised in the certification of default or motion.
4. I certify under penalty of perjury that the above is true.

Date: 12/23/2019

/s/ Dominic S. Scalzo  
Debtor's Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Debtor's Signature

**NOTES:**

1. Under D.N.J. LBR 4001-1(b)(1), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 7 days before the date of the hearing if filed in opposition to a Motion for Relief from the Automatic Stay or Chapter 13 Trustee's Motion to Dismiss.
2. Under D.N.J. 4001-1 (b)(2), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 14 days after the filing of a Certification of Default.



314 S Franklin St. / Second Floor  
PO Box 517  
Titusville PA 16354  
Customer Care: 800-327-7861  
<https://myloanweb.com/BSI>

STATEMENT DATE 08/18/17  
Property Address: 1007 ELWOOD ST, FORKED RIVER NJ 08731

82997-6.7 1 7616-1.1 1oz



DOMINIC SCALZO  
1007 ELWOOD ST  
FORKED RIVER NJ 08731



Account Number: [REDACTED]  
Payment Due Date: 09/01/17  
**Amount Due: \$32,626.83**  
If payment is received after 09/16/17, \$65.60 late fee will be charged.

**Explanation of Amount Due:**

Principal:	\$641.74
Interest:	\$670.33
Escrow (Taxes and/or Insurance):	\$261.36
<b>Current Monthly Payment:</b>	<b>\$1,573.43</b>
Total Fees and Other Charges:	\$4,435.10
Overdue Payments:	\$26,618.30
<b>Total Amount Due:</b>	<b>\$32,626.83</b>

**Account Information**

\* Outstanding Principal: \$226,797.92  
Interest Rate (Until April 2020): 3.799999%  
Escrow Balance: \$-6,536.80  
Prepayment Penalty: NO  
\* The outstanding principal balance does not represent the payoff of your loan. Please see reverse for more information.

**Transaction Activity (07/18/17 to 08/18/17)**

Date	Description	Transaction Amount	Principal	Interest	Escrow	Late Charges & Fees	Unapplied Amount
07/24/17	Tax Disbursement	\$-1,070.62	\$0.00	\$0.00	\$-1,070.62	\$0.00	\$0.00
08/17/17	Payment Received	\$15,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15,000.00
08/17/17	Late Fee (charged because full payment not received by 08-16-2017)	\$-65.60	\$0.00	\$0.00	\$0.00	\$-65.60	\$0.00

**Past Payments Breakdown**

	Paid Last Month	Paid Year to Date
Principal	\$0.00	\$0.00
Interest	\$0.00	\$0.00
Escrow (Taxes and/or Insurance)	\$0.00	\$0.00
Late Charges	\$0.00	\$0.00
Fees	\$0.00	\$0.00
Partial Payments (Unapplied)*	\$0.00	\$0.00
<b>Total</b>	<b>\$15,000.00</b>	<b>\$0.00**</b>

\* Partial Payments: Any partial payments that you make may not be applied to your mortgage, but are held in a separate suspense account. If you pay the balance of a partial payment, the funds will then be applied to your mortgage.  
\*\* These amounts may not reflect payments made to a prior servicer if your loan servicing was transferred this year.

**\* Delinquency Notice \***

You are late on your mortgage payments. Failure to bring your loan current may result in fees and foreclosure, the loss of your home. As of 08/18/17, you are 443 days delinquent on your mortgage loan.

**Recent Account History**

\* Payment Due 03/01/17: Unpaid balance of \$1,954.48  
\* Payment Due 04/01/17: Unpaid balance of \$1,896.98  
\* Payment Due 05/01/17: Unpaid balance of \$1,831.38  
\* Payment Due 06/01/17: Unpaid balance of \$1,573.43  
\* Payment Due 07/01/17: Unpaid balance of \$1,639.03  
\* Payment Due 08/01/17: Unpaid balance of \$1,639.03  
\* Current Payment Due 09/01/17: \$1,573.43

**\* Total: \$32,626.83 due. You must pay this amount to bring your loan current.**

\* Foreclosure Action Start Date: 11/21/16

\* Non-HAMP Trial

\* Notice of Default dated: 08/17/15

**If you are Experiencing Financial Difficulty:** See back for information about mortgage counseling or assistance.

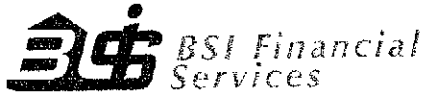
**IMPORTANT BANKRUPTCY INFORMATION**

**For Informational Purposes Only.** If you have filed a bankruptcy petition and there is an "automatic stay" in effect or you have received a discharge of your personal liability for this loan, we may not and do not intend to pursue collection of this loan from you personally. If either of these circumstances apply, this communication is not and should not be construed to be a demand for payment from you personally, but strictly for information purposes only.

**Important Messages**

33,000  
owed

Keep upper portion for your records. See reverse for important information.



314 S Franklin St. / Second Floor  
PO Box 517  
Titusville PA 16354  
Customer Care: 800-327-7861  
<https://myloanweb.com/BSI>

# Mortgage Statement

STATEMENT DATE 10/17/18

Property Address: 1007 ELWOOD ST, FORKED RIVER NJ 08731

109566-6.8 1 8581-1.2 1oz



DOMINIC SCALZO  
1007 ELWOOD ST  
FORKED RIVER NJ 08731



Post-Petition Payment Date: 12/01/17  
Post-Petition Payment Amount: \$1,573.43  
*This amount includes only your regular post-petition payment. It does not include any past unpaid amounts or Pre-Petition Arrearage, or any fees and charges.*

Explanation of Payment	(Post-Petition Payment)
Principal:	\$670.00
Interest:	\$642.07
Escrow (Taxes and/or Insurance):	\$751.43
<b>Regular Monthly Payment:</b>	<b>\$1,573.43</b>
Total Fees and Other Charges:	\$0.00
Past Unpaid Post-Petition Amounts	\$19,926.73
<b>Total Amount Owed Post-Petition</b>	<b>\$21,500.16</b>

## Account Information

\* Outstanding Principal: \$218,682.77  
Interest Rate (Until April 2020): 3.70000% Prepayment Penalty: NO  
Escrow Balance: \$-6,600.63  
\* The outstanding principal balance does not represent the payoff of your loan. Please see reverse for more information.

## Transaction Activity (09/18/18 to 10/17/18)

\*Fees and costs are being included in your transaction history and "Total Amount Owed Post-Petition" due to the fact that they have been incurred post-petition, however they are not due and owing until BSI files a Post-Petition Fee Notice, so you may withhold payment of these fees until such time as you receive a Post-Petition Fee Notice for these items.

Date	Description	Transaction Amount	Principal	Interest	Escrow	Late Charges & Fees	Unapplied Amount
10/05/18	Payment	\$1,573.43	\$635.84	\$676.23	\$261.36	\$0.00	\$0.00
10/05/18	Payment	\$257.95	\$0.00	\$0.00	\$0.00	\$0.00	\$257.95

## Past Payments Breakdown

	Paid Last Month	Paid Year to Date
Principal	\$635.84	\$6,887.70
Interest	\$676.23	\$7,545.07
Escrow (Taxes and/or Insurance)	\$261.36	\$5,407.33
Late Charges	\$0.00	\$0.00
Fees	\$0.00	\$0.00
Partial Payments (Unapplied)*	\$257.95	\$292.29
<b>Total</b>	<b>\$1,831.38</b>	<b>\$20,132.39**</b>

\* Partial Payments: Any partial payments that you make may not be applied to your mortgage, but are held in a separate suspense account. If you pay the balance of a partial payment, the funds will then be applied to your mortgage.

\*\* These amounts may not reflect payments made to a prior servicer if your loan servicing was transferred this year.

## Pre-Petition Arrearage Payment

Received from Trustee Last Month	Total Received During Bankruptcy	Current Balance of Pre-Petition Arrearage
\$0.00	\$0.00	\$34,695.92

This box shows amounts that were past due when you filed for bankruptcy. It may also include other allowed amounts on your mortgage loan. The Trustee is sending us the payments shown here. These are separate from your regular monthly mortgage payment. These payments are reflected in your transaction activity.

\*Please note that we have not received all of the payments that have become due since your bankruptcy filing.

## Bankruptcy Message

Our records show that either you are a debtor in bankruptcy or you discharged personal liability for your mortgage loan in bankruptcy. This statement is being sent to you for informational and compliance purposes only. By law, we must send it to you. You can choose to stop receiving statements by writing to us at our address below. If your bankruptcy plan requires you to send your mortgage payments to the Trustee, you should pay the Trustee directly. If you are making post-petition payments directly to the Trustee, this statement may not accurately reflect the amount to be paid to the Trustee, and the transaction history only reflects payments received from the Trustee. Please contact the Trustee or your attorney if you have questions.

## Important Messages

Keep upper portion for your records. See reverse for important information.



314 S Franklin St. / Second Floor  
PO Box 517  
Titusville PA 16354  
Customer Care: 800-327-7861  
<https://myloanweb.com/BSI>

# Mortgage Statement

STATEMENT DATE 06/20/18

Property Address: 1007 ELWOOD ST, FORKED RIVER NJ 08731

**RECEIVED**  
**JUN 26 2018**  
**Warren Brumel,**  
**Attorney at Law**

102617-2.2 1 2025-1.1 10z

LAW OFFICE OF WARREN BRUMEL  
RE: DOMINIC SCALZO  
65 MAIN STREET  
PO BOX 181  
KEYPORT NJ 07735



Post-Petition Payment Date: 06/01/18  
Post-Petition Payment Amount: \$1,557.15  
This amount includes only your regular post-petition payment. It does not include any past unpaid amounts or Pre-Petition Arrearage, or any fees and charges.

Explanation of Payment	(Post-Petition Payment)
Principal:	\$861.80
Interest:	\$650.27
Escrow (Taxes and/or Insurance):	\$751.43
<b>Regular Monthly Payment:</b>	<b>\$1,557.15</b>
Total Fees and Other Charges:	\$250.00
Past Unpaid Post-Petition Amounts	\$1,466.25
<b>Total Amount Owed Post-Petition</b>	<b>\$3,023.40</b>

## Account Information

\* Outstanding Principal: \$221,842.47  
Interest Rate (Until April 2020): 3.700000%  
Escrow Balance: \$-7,822.67  
Prepayment Penalty: NO  
\* The outstanding principal balance does not represent the payoff of your loan. Please see reverse for more information.

## Transaction Activity (05/18/18 to 06/20/18)

\* Fees and costs are being included in your transaction history and "Total Amount Owed Post-Petition" due to the fact that they have been incurred post-petition, however they are not due and owing until BSI files a Post-Petition Fee Notice, so you may withhold payment of these fees until such time as you receive a Post-Petition Fee Notice for these items.

Date	Description	Transaction Amount	Principal	Interest	Escrow	Late Charges & Fees	Unapplied Amount
06/05/18	Payment	\$1,831.38	\$626.13	\$685.94	\$519.31	\$0.00	\$0.00
06/11/18	Payment	\$935.00	\$0.00	\$0.00	\$0.00	\$0.00	\$935.00
06/12/18	BKY COSTS	\$-250.00	\$0.00	\$0.00	\$0.00	\$-250.00	\$0.00

## Past Payments Received

	Paid Last Month	Paid Year to Date
Principal	\$626.13	\$3,728.00
Interest	\$685.94	\$4,144.42
Escrow (Taxes and/or Insurance)	\$519.31	\$3,068.73
Late Charges	\$0.00	\$0.00
Fees	\$0.00	\$0.00
Partial Payments (Unapplied)*	\$935.00	\$505.33
<b>Total</b>	<b>\$2,766.38</b>	<b>\$11,446.48**</b>

\* Partial Payments: Any partial payments that you make may not be applied to your mortgage, but are held in a separate suspense account. If you pay the balance of a partial payment, the funds will then be applied to your mortgage.

\*\* These amounts may not reflect payments made to a prior servicer if your loan servicing was transferred this year.

## Pre-Petition Arrearage

Received from Trustee Last Month	Total Received During Bankruptcy	Current Balance of Pre-Petition Arrearage
\$935.00	\$1,490.00	\$32,681.12

This box shows amounts that were past due when you filed for bankruptcy. It may also include other allowed amounts on your mortgage loan. The Trustee is sending us the payments shown here. These are separate from your regular monthly mortgage payment. These payments are reflected in your transaction activity.

## Bankruptcy Message

Our records show that either you are a debtor in bankruptcy or you discharged personal liability for your mortgage loan in bankruptcy. This statement is being sent to you for informational and compliance purposes only. By law, we must send it to you. You can choose to stop receiving statements by writing to us at our address below. If your bankruptcy plan requires you to send your mortgage payments to the Trustee, you should pay the Trustee directly. If you are making post-petition payments directly to the Trustee, this statement may not accurately reflect the amount to be paid to the Trustee, and the transaction history only reflects payments received from the Trustee. Please contact the Trustee or your attorney if you have questions.

## Important Messages

Keep upper portion for your records. See reverse for important information.